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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,617	12/17/2001	Simon Wilson	1076.41002X00	7367

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EXAMINER

TRINH, TAN H

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,617	WILSON, SIMON	
	Examiner	Art Unit	
	TAN TRINH	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 17, 19, 21, 23, 25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17, 19, 21, 23, 25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 9-12, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Horiuchi (JP 10190796A).

Regarding claim 1, Horiuchi teaches an electronic device comprising a housing and a cover connected by a hinge (see fig. 1, hinge part 5), the hinge comprising a flexible pivot member (see fig. 1, flexible pivot hinge 5) about which the cover may pivot with respect to the housing between an open and a closed position of the electronic device (see fig. 1, mobile phone A, cover 1, fabric hinge part 5, and abstract; solution, lines 13-17 and translation page 2, section [0009]), the housing and the cover also being interconnected by at least one resilient biasing strap (see fig. 2, resilient biasing strap 5), wherein the at least one biasing strap is configured to bias the cover into the open position in which the cover extends away from the housing (see fig. 2 and 3, case base flexible hinge region 5, and abstract; solution, lines 13-17, translation page 3, section [0017-0021]), And wherein the at least on biasing strap is made from a material which does not change length when the cover is opened ((see Horiuchi fig. 1, flexible member of synthetic robber or the like or fabric hinge part 5 and page 3, sections [0020-0021])). Since the applicant specification page 1, sections [0006 and 0021] discloses that the flexible member form from rubber or polymer material or fabric is used, the material does not crease and instead

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remains tight to the surface of the housing when the cover is opened as the straps do not alter in length (see specification page 1, section [0006] lines 11-15). Therefore, the prior art is also used the same material with the flexible member of synthetic rubber or the like or fabric hinge part 5, that also does not change length when the cover is opened, and does not change length when the cover is partial opened).

Regarding claim 2, Horiuchi teaches including a catch for locking the cover in the closed position in which it overlies a portion of the housing (see fig. 1, item 2).

Regarding claim 9, Horiuchi teaches an electronic device comprising a mobile telecommunications device (see fig. 1, mobile phone set A, and abstract; solution, line 3).

Regarding claim 10, Horiuchi teaches an electronic device comprising a mobile telephone (see fig. 1, mobile phone set A, and abstract; solution, lines 3-5).

Regarding claim 11, Horiuchi teaches wherein the electronic device is covered in fabric (see fig. 1, case ground fabric cover 1, abstract; solution, lines 1-4).

Regarding claim 12, wherein the at least one flexible pivot member extends between the housing and the cover (see figs. 2-3, cover 1, case base fabric hinge region 5).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-8, 13, 15 and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi (JP 10190796A).

Claims 3-7 and 17, 19, 21, 23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi (JP 10190796A) in view of Zezza, Jr. (U.S. Patent No. 5,394,913).

Regarding claim 3, Horiuchi teaches a flexible resilient strap, that is obvious to the two flexible resilient straps.

However, Zezza also teaches two flexible resilient straps (see fig. 1 and 2, flexible resilient straps 30, col. 3, lines 15-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the invention of Horiuchi on the teaching of a flexible resilient strap and by the teaching of Zezza on the two or more flexible resilient straps thereto in order to provide user with more flexible resilient straps so that the cover with increase the duration and stronger.

Regarding claim 4, Horiuchi teaches wherein the or each strap has one end attached to the outside of the cover and another end attached to the outside of the housing (see figs. 1-2, and abstract; solution, lines 3-17).

Regarding claim 5, Horiuchi teaches wherein each strap is a planar element (see fig. 1. case base fabric hinge region 5).

Regarding claim 6, Horiuchi teaches wherein each strap has an embossed region (see fig. 1. case base fabric hinge region 5 and abstract; solution, lines 3-20).

Regarding claim 7, Horiuchi teaches wherein each strap is made of synthetic or the like, that is obvious to made of metal, (see abstract; solution, lines 11-18).

Regarding claims 8, 13 and 15, Horiuchi teaches wherein the flexible member is made of fabric member (see fig. 1, fabric hinge part 5). But Horiuchi fails to teach the flexible member is made of rubber.

However, Zezza teaches the flexible member is made of rubber (see figs. 1-2, col. 3, lines 10-63 and col. 4, lines 35-58 and col. 8, lines 48-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Horiuchi system and by the providing of the teaching of Zezza on the flexible member is made of rubber, thereto in order to provide user with more durable polymeric of the combination material (see col. 4, lines 35-58).

Regarding claims 17, 19, 21,23, 25 and 27, Zezza teaches wherein the hinge comprises a strip of rubber or polymer material (see figs. 1-2, col. 3, lines 10-63 and col. 4, lines 35-58 and col. 8, lines 48-58).

Response to Arguments

6. Applicant's arguments with respect to claims 1-13, 15, 17, 19, 21, 23, 25, 27 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the hinge and biasing strap is form from flexible material of synthetic rubber, fabric or the like is change length when the cover is opened. However, the examiner does not agree. Since the applicant specification page 1, sections [0006 and 0021] discloses that the flexible member form from rubber or polymer material or fabric is used, the material does not crease and instead remains tight to the surface of the housing when the cover is opened as the straps do not alter in length (see specification page 1, section [0006] lines 11-15). Therefore, the prior art is also used the same material with the flexible member of synthetic rubber or the like or fabric hinge part 5, that also does not change length when the cover is opened, and does not change length when the cover is partial opened (see fig. 2 and 3, case base flexible hinge region 5, and abstract; solution, lines 13-17, translation page 3, section [0017-0021]). Therefore, Horiuchi reference is teaching the limitation of the claim.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Nay Maung, can be reached at (571) 272-7882.

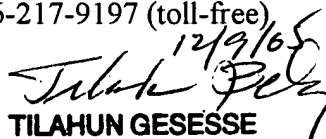
The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh 
Art Unit 2684
Dec. 08, 2005

12/9/05

TILAHUN GESESSE
PRIMARY EXAMINER